

Message Text

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TO AMEMBASSY BUENOS AIRES IMMEDIATE

C O N F I D E N T I A L STATE 241180

E.O. 11652: GDS

TAGS: MASS, SHUM, AR

SUBJECT: ARGENTINA - HUMAN RIGHTS OBSERVANCE REPORT

REF: STATE 237752

1. PER PARA 5 REFTEL, DRAFT TEXT OF HUMAN RIGHTS OBSERVANCE REPORT FOR ARGENTINA FOLLOWS FOR EMBASSY CLEARANCE AND COMMENTS. THIS REPORT WILL BE GIVEN TO CONGRESS ON A CLASSIFIED BASIS. A SEPARATE CABLE HAS BEEN SENT IMMEDIATE AND IT GIVES FURTHER BACKGROUND ON CONGRESSIONAL REQUEST. EMBASSY RESPONSE IS NEEDED BY COB SEPTEMBER 30.

2. BEGIN TEXT: I. POLITICAL SITUATION: ARGENTINA IS THE MOST POLITICALLY VIOLENT COUNTRY IN LATIN AMERICA TODAY. HISTORICALLY, MODERN VIOLENCE IN ARGENTINA DATES TO THE LATE SIXTIES AND THE FORMATION OF THE PEOPLE'S REVOLUTIONARY
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ARMY (ERP) AND THE MONTONEROS, BOTH MARXIST ORGANIZATIONS

DEDICATED TO THE OVERTHROW OF THE GOVERNMENT VIA A WAR OF LIBERATION. THESE ORGANIZATIONS WORKED CLOSELY WITH MARXIST GUERRILLAS IN URUGUAY, CHILE AND BOLIVIA. WHEN GUERRILLA ORGANIZATIONS WERE DEFEATED OR OUSTED IN THESE THREE COUNTRIES, MANY OF THEIR MEMBERS FLED TO ARGENTINA, BEGINNING IN THE EARLY 1970'S WITH THE DEFEAT OF THE TUPAMAROS IN URUGUAY. IN THE THREE YEARS OF THE PERONIST ADMINISTRATION (1973-76) PRECEDING THE MARCH 24 COUP THAT

BROUGHT GENERAL JORGE RAFAEL VIDELA TO POWER, OVER 2,000 ARGENTINES DIED AS A RESULT OF LEFT AND RIGHT WING TERRORISM. SINCE THE COUP, POLITICAL VIOLENCE HAS CLAIMED AT LEAST 750 LIVES.

SERIOUS MISMANAGEMENT OF THE ECONOMY UNDER PERONISM CONTRIBUTED TO THE CLIMATE OF POLITICAL INSTABILITY IN ARGENTINA AND VICE VERSA. AT THE TIME OF THE COUP, THE CONSUMER PRICE INDEX WAS INCREASING AT A 566 ANNUAL RATE WITH A RISING TREND, THERE WAS DEEPENING RECESSION, AND AN EXTERNAL PAYMENTS CRISIS THREATENED AN ARGENTINE DEFAULT ON FOREIGN DEBTS.

THE NEW GOVERNMENT'S FIRST PRIORITIES WERE TO CONTAIN INFLATION, REFINANCE THE FOREIGN DEBT AND FIGHT LEFTIST TERRORISM, THE LATTER PERCEIVED AS THE GREATEST THREAT TO THE GOVERNMENT'S ECONOMIC AND POLITICAL PLANS. IN THIS CLIMATE, RIGHT WING TERRORISM GREW AT AN ALARMING RATE. WHILE ARGENTINA'S IMMEDIATE ECONOMIC PROBLEMS HAVE BEEN DEALT WITH, RECESSION AND LABOR DISCONTENT OVER FALLING REAL WAGES CONTINUE.

THE SECURITY FORCES HAVE TAKEN STRONG ACTION AGAINST LEFTIST TERRORISTS, KILLING HUNDREDS AND ARRESTING THOUSANDS. IT IS CLEAR THAT COUNTER OR RIGHT WING TERRORISM, WHICH FIRST APPEARED UNDER PERON IN 1974, HAS INVOLVED ELEMENTS OF THE ARGENTINE SECURITY FORCES. WHATEVER VIDELA'S PERSONAL VIEWS AND WISHES MAY BE, AND HE HAS PROMISED TO RESPECT HUMAN RIGHTS, EFFECTIVE STEPS TO CONTROL RIGHTIST VIGILANTES HAVE NOT YET BEEN TAKEN. UNDER PERON, THESE TERRORISTS ATTACKED THE CONFIDENTIAL

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REGIME'S POLITICAL OPPONENTS. SINCE MARCH 1976, A WIDE SPECTRUM OF LEFTIST AND PROGRESSIVE INDIVIDUALS, AND EVEN ORDINARY CITIZENS, HAVE BEEN VICTIMIZED, INCLUDING PRIESTS AND FOREIGN POLITICAL REFUGEES. RIGHT WING TERRORISM HAS EVEN EXTENDED TO BOMBING JEWISH SYNAGOGUES AND ATTACKING JEWISH SHOPS.

LEFTIST TERRORISM DATES TO 1969 AND HAS BEEN RESPONSIBLE

FOR HUNDREDS OF POLITICAL ASSASSINATIONS AND KIDNAPPINGS. POLICEMEN, MILITARY PERSONNEL, AND BUSINESSMEN HAVE OFTEN BEEN SHOT AT RANDOM. IN 1975, THE CONSULAR AGENT IN CORDOBA, JOHN PATRICK EGAN, WAS MURDERED BY LEFTISTS, WHILE USIA OFFICER, ALFRED LAUN, NARROWLY ESCAPED DEATH IN THE SAME CITY.

II. LEGAL SITUATION: THE ARGENTINE CONSTITUTION OF 1853 IS IN EFFECT. THIS CONSTITUTION IS CLOSELY PATTERNED AFTER THE U.S. CONSTITUTION AND PROVIDES MOST OF THE LEGAL GUARANTEES THAT OURS DOES. THE MAJOR EXCEPTION IS A "STATE OF SIEGE" PROVISION, WHICH GIVES THE FEDERAL GOVERNMENT POWER TO SUSPEND HABEAS CORPUS TEMPORARILY, HOLD SUSPECTS INDEFINITELY AND TO MOVE ACCUSED PERSONS FROM PLACE TO PLACE WITHIN THE COUNTRY WITHOUT CONSENT. ARRESTED PERSONS ARE SUPPOSED TO HAVE RECOURSE TO TRIAL EVENTUALLY OR BE RELEASED. THE STATE OF SIEGE HAS BEEN IN EFFECT SINCE NOVEMBER 6, 1974.

III. OBSERVANCE OF INTERNATIONALLY-RECOGNIZED HUMAN RIGHTS: A. INTEGRITY OF THE PERSON: ARTICLE 3: LIFE, LIBERTY AND SECURITY OF THE PERSON

THIS ARTICLE IS VIOLATED REGULARLY BY RIGHT WING COUNTER-TERRORISTS, WHO INCLUDE ACTIVE DUTY AND RETIRED MILITARY AND POLICE PERSONNEL. THEIR METHOD OF OPERATION IS WELL KNOWN: CIVILIAN CLOTHES, MOVEMENT AT NIGHT IN UNMARKED CARS, KIDNAPPINGS, TORTURE AND EVEN MURDER. THERE ARE NO STATISTICS ON RIGHTWING ATROCITIES BUT THE NUMBER OF VICTIMS IS IN THE HUNDREDS AND INCLUDES MANY FOREIGN REFUGEES.

IN THE MOST NOTORIOUS EPISODE, ON AUGUST 20 THIRTY
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LEFTIST PRISONERS WERE EXECUTED IN RETALIATION FOR THE MURDER OF A RETIRED GENERAL THE DAY BEFORE. RIGHTIST TERRORISTS WERE BLAMED FOR WHAT THE GOVERNMENT DESCRIBED AS A "BARBARIC EPISODE."

ARTICLE 5: TORTURE, CRUEL, INHUMAN, DEGRADING TREATMENT OR PUNISHMENT

TORTURE IS UNDOUBTEDLY USED BY THE SECURITY FORCES TO EXTRACT INFORMATION FROM PRISONERS, PARTICULARLY SUSPECTED OR PROVEN TERRORISTS. ONCE THEY ARE ACTUALLY "BOOKED," HOWEVER, PRISONERS APPARENTLY RECEIVE MORE OR LESS REASONABLE TREATMENT.

ARTICLE 9: ARBITRARY ARREST, DETENTION OR EXILE

THE SECURITY FORCES HAVE DETAINED NUMEROUS PERSONS FOR INVESTIGATION AND QUESTIONING UNDER THE PROVISIONS OF THE STATE OF SIEGE OR OTHER LAWS, E.G., ARMS CONTROL LAWS. SOME ARE HELD INDEFINITELY BUT OTHERS ARE FREED AFTER A SHORT TIME AND STILL OTHERS PASSED ON TO THE PROCEDURES OF THE REGULAR COURTS OR TO MILITARY COURTS

MARTIAL WHEN THIS IS PRESCRIBED BY LAW. AN ESTIMATED 3,000 TO 5,000 PERSONS ARE NOW DETAINED UNDER THE PROVISIONS OF THE STATE OF SIEGE. THE ARGENTINE GOVERNMENT HAS RELEASED NO TOTAL OR LIST OF THOSE DETAINED, AND AS VARIOUS INDIVIDUALS ARE RELEASED OTHERS ARE DETAINED; HENCE, IT IS IMPOSSIBLE TO DETERMINE HOW MANY PRISONERS ARE BEING HELD OR FOR HOW LONG.

ARTICLE 11: FAIR TRIAL

ARGENTINE COURTS FUNCTION NORMALLY IN MOST CASES. THE EXCEPTION APPLIES TO INDIVIDUALS HELD UNDER THE STATE OF SIEGE. SOME OF THESE ARE FREED, SOME PASSED ON TO THE PROCEDURES OF THE REGULAR COURTS, OTHERS TO COURTS MARTIAL AND STILL OTHERS HELD WITHOUT CHARGES OR ACKNOWLEDGEMENT OF THEIR DETENTION. RIGHT WING INTIMIDATION OF LAWYERS AND JUDGES MAKES IT VERY DIFFICULT FOR CONFIDENTIAL

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PRISONERS ACCUSED OF SUBVERSION TO RECEIVE A "FAIR TRIAL." BEFORE MARCH, IT WAS THE LEFT WING WHICH THREATENED COURT OFFICIALS THEREBY INFLUENCING DECISIONS.

B. OTHER IMPORTANT FREEDOMS

ARTICLE 18: THOUGHT AND RELIGION

ON AUGUST 31, 1976, THE ARGENTINE GOVERNMENT BANNED THE "JEHOVAH'S WITNESSES" OR "THE WATCH TOWER AND BIBLE TRACT SOCIETY," NOTING THAT THE FREEDOM OF WORSHIP ALLOWED BY THE CONSTITUTION IS LIMITED IN THE SENSE THAT RELIGIOUS IDEAS MUST NOT LEAD TO A VIOLATION OF LAWS OR THREATEN AGAINST THE PUBLIC ORDER, THE NATIONAL SECURITY, MORALS AND GOOD CUSTOMS. THE ARGENTINE GOVERNMENT APPEARS TO MAINTAIN THAT THE WITNESSES' FAILURE TO SALUTE THE FLAG OR SERVE IN THE ARMED FORCES CONTRAVENES THE CONSTITUTION. THE WITNESSES HAVE TAKEN THEIR CASE TO THE ARGENTINE COURTS IN AN EFFORT TO HAVE THEIR BAN DECLARED UNCONSTITUTIONAL.

ANTI-SEMITISM HAS BEEN A RECURRENT PROBLEM IN ARGENTINA,

RECENTLY MANIFESTED BY RIGHT WING VIOLENCE AGAINST JEWISH SYNAGOGUES AND SHOPS. THERE HAVE BEEN NO REPORTS OF DEATHS OR INJURIES AS A RESULT OF ANTI-SEMITIC INCIDENTS.

ARTICLE 19: EXPRESSION AND OPINION

RIGHT-WING AND LEFT-WING EXTREMIST PUBLICATIONS IN ARGENTINA HAVE BEEN BANNED BY THE VIDELA GOVERNMENT.

THIS INCLUDES MARXIST AS WELL AS ANTI-SEMITIC LITERATURE.

THE ARGENTINE PRESS IS REQUIRED TO EXERCISE SELF-CENSORSHIP, AND IS SPECIFICALLY PROHIBITED FROM MENTIONING TERRORIST AND ANTI-TERRORIST OPERATIONS UNLESS OFFICIALLY AUTHORIZED BY THE GOVERNMENT. ON AUGUST 21, THE ARGENTINE NEWSPAPER OWNERS ASSOCIATION, REPRESENTING OVER 100 EDITORS AND PUBLISHERS, COMPLAINED TO PRESIDENT VIDELA ABOUT PRESS RESTRICTIONS. THERE IS, NEVERTHELESS, CONFIDENTIAL

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CRITICISM OF HUMAN RIGHTS ABUSES IN THE ARGENTINE PRESS. FEW JOURNALISTS HAVE SUFFERED ARREST AND ONLY FOR SHORT PERIODS. FOREIGN CORRESPONDENTS FILE THEIR STORIES FREELY.

ARTICLE 20: ASSEMBLY

UPON TAKING POWER IN MARCH, THE MILITARY JUNTA DISSOLVED THE PARLIAMENT AND BANNED POLITICAL AND LABOR ACTIVITY. LABOR UNIONS WERE INTERVENED AND, ON SEPTEMBER 8, A LAW WAS PASSED PROVIDING UP TO TEN YEARS IN PRISON FOR STRIKE ORGANIZERS.

IV. AVAILABLE NON-USG HUMAN RIGHTS REPORTING BY MULTILATERAL AND NON-GOVERNMENTAL ORGANIZATIONS AND MEDIA

MANY ORGANIZATIONS, INCLUDING AMNESTY INTERNATIONAL, HAVE DENOUNCED HUMAN RIGHTS VIOLATIONS IN ARGENTINA. HOWEVER, COMPREHENSIVE REPORTS ON THE SITUATION IN ARGENTINA SINCE MARCH 24, 1976, ARE NOT YET AVAILABLE. ROBINSON

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